

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MELCHESTER PHILLIPS Jr.,

Plaintiff,

v.

PATRICIA AIKEN et al.,

Defendants.

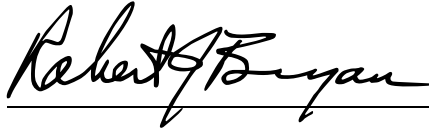
Case No. C11-5238RBL/JRC

ORDER ADOPTING A REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

1. The Court adopts the Report and Recommendation;
2. The motion to proceed in forma pauperis is DENIED. This action is DISMISSED WITHOUT PREJUDICE prior to service as plaintiff may not challenge his criminal sentence in a civil rights action.
3. The Clerk is directed to send a copy of this Order to plaintiff, and to the Hon. J. Richard Creatura.

DATED this 29TH day of April, 2011.



ROBERT J. BRYAN
United States District Judge
For Ronald B. Leighton
United States District Judge